

IN THE SENATE

SENATE BILL NO. 1033

BY SCHROEDER

AN ACT

RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-3727 THROUGH 33-3732, IDAHO CODE, TO PROVIDE FOR NEGOTIATION AGREEMENTS; TO DEFINE TERMS; TO PROVIDE FOR BARGAINING UNITS AND NEGOTIATIONS; TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS AND FOR COMPENSATION; TO PROVIDE FOR THE APPOINTMENT OF FACT-FINDERS AND FOR A REPORT; AND TO PROVIDE FOR RESERVED POWERS, DUTIES AND RESPONSIBILITIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 33-3727 through 33-3732, Idaho Code, and to read as follows:

33-3727. NEGOTIATION AGREEMENTS. The administration of each institution of higher education is hereby empowered and shall, upon its own initiative or upon the request of a local faculty organization representing professional employees, enter into a negotiation agreement with the local faculty organization and negotiate with such party in good faith on matters of wages, hours of employment and other terms and conditions of employment. A request for negotiations may be initiated by either party to such negotiation agreement. Accurate records or minutes of the proceedings shall be kept, and shall be available for public inspection at the offices of the state board of education during normal business hours. Joint ratification of all final offers of settlement shall be made in open meetings.

33-3728. DEFINITIONS. In sections 33-3727 through 33-3732, Idaho Code:

(1) "Administration" means the person authorized to act on behalf of the institution of higher education under the laws of this state or such person's designee.

(2) "Institution of higher education" means the university of Idaho, Idaho state university, Boise state university, lewis-clark state college, eastern Idaho technical college, north Idaho college, college of southern Idaho, western Idaho college or any other public institution of higher education created by the legislature or formed pursuant to chapter 21, title 33, Idaho Code.

(3) "Local faculty organization" means any local organization duly chosen and selected by a majority of the professional employees employed at the institution of higher education as their representative organization for negotiations under the provisions of sections 33-3727 through 33-3732, Idaho Code.

(4) "Negotiations" means meeting and conferring in good faith by the administration and the authorized local faculty organization for the purpose of reaching an agreement, upon matters and conditions subject to negotiations as specified in a negotiation agreement between said parties.

(5) "Professional employee" means any professor, adjunct, instructor, lecturer and graduate teaching assistant in that institution of higher education; provided, however, that those individuals with the responsibilities of dean or above may be excluded from the professional employee group if a negotiation agreement between the administration and local faculty organization so specifies.

33-3729. BARGAINING UNITS – NEGOTIATIONS. (1) For purposes of negotiations, professional employees shall be organized into bargaining units. Separate bargaining units shall be organized for:

- (a) Tenured and tenure-track professors and senior instructors and instructors with renewable contracts;
- (b) Instructors and adjuncts without renewable contracts; and
- (c) Graduate teaching assistants.

(2) The local faculty organization shall be the exclusive representative for all professional employees in that institution of higher education for purposes of negotiations. The individual or individuals selected to negotiate on behalf of the professional employees shall be members of the organization designated to represent the professional employees and shall be professional employees of the institution of higher education. However, in the event the administration chooses to designate any individual, other than an employee of the institution of higher education as its representative for negotiations, the local educational organization is authorized to designate any individual or individuals of its choosing to act as its representative for negotiations. The administration or its designated representative(s) shall negotiate matters covered by a negotiations agreement only with the local faculty organization or its designated representative(s).

33-3730. APPOINTMENT OF MEDIATORS – COMPENSATION. In the event the parties in negotiations are not able to come to an agreement upon items submitted for negotiations under a negotiations agreement between the parties, upon agreement of the parties one (1) or more mediators may be appointed. The issue or issues in dispute shall be submitted to mediation at the request of either party in an effort to induce the administration and the local faculty organization to resolve the conflict. The procedures for appointment of and compensation for the mediators shall be determined by both parties.

33-3731. APPOINTMENT OF FACT-FINDERS – REPORT. (1) If mediation fails to bring agreement on all negotiable issues, the issues which remain in dispute may be submitted to fact-finding by request of either party. One (1) or more fact-finders shall be appointed by the parties by mutual agreement. If such agreement cannot be reached within thirty (30) days of the request for such appointment, the executive director of the state board of education shall make such appointment. The fact-finder shall have authority to establish procedural rules, conduct investigations and hold hearings during which each party to the dispute shall be given an opportunity to present its case with supporting evidence.

(2) Within thirty (30) days following designation of the fact-finder, the fact-finder shall submit a report in writing to the administration and the professional employees, setting forth findings of fact and recommendations on the issues submitted.

33-3732. RESERVED POWERS, DUTIES AND RESPONSIBILITIES. Nothing contained herein is intended to, or shall conflict with, or abrogate the powers, duties and

1 responsibilities vested in the legislature, state board of education and the boards of trustees
2 of the institutions of higher education by the laws of the state of Idaho. The administration
3 of each institution of higher education is entitled, without negotiation or reference to any
4 negotiated agreement, to take action as may be necessary to carry out its responsibility due to
5 situations of emergency or acts of God.